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PATENT

Attorney Docket No.: A-Attorney Docket No.: A-69235-3/DJB/RMS/DCF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re Application of:

GUNDERSON et al.

Serial No. 10/045,575

Filed: October 26, 2001

For: DETECTION OF NUCLEIC ACID  
REACTIONS ON BEAD ARRAYS

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

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INFORMATION DISCLOSURE STATEMENT  
AND  
STATEMENT OF RELATEDNESS

Assistant Commissioner  
for Patents  
Washington, DC 20231

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicant wishes to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO-1449.

Since copies of all the references were provided either by the Applicant or the Examiner in the following related U.S. Applications; Serial No. 09/553,993, filed April 20, 2000; and U.S.S.N. 09/556,463, filed April 21, 2000, upon which the instant application relies for its priority date, in accordance with 37 C.F.R. § 1.98(d), no copies of the references are enclosed.

In accordance with the provisions of 37 C.F.R. §§ 1.97(c) and 1.97(e)(1), the undersigned certifies that reference 18, 61, 77, 100-101, 110, and 138 listed on the enclosed form PTO-1449 was cited in the International Search Report dated November 08, 2001, for a counterpart PCT

**Serial No.:** 10/045,575

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application. A copy of the International Search Report for the counterpart PCT application is enclosed herewith.

With respect to patent applications, the applicants point out their duty under M.P.E.P. §2001.06(b) to disclose relevant patent applications of which they are aware. To this end, the applicants draw the Examiner's attention to the following patent applications:

1. United States Serial Number 09/425,633, filed October 22, 1999; U.S.S.N. 09/535,854, filed March 27, 2000.
2. U.S.S.N. 09/517,945, filed March 3, 2000 and U.S.S.N. 10/021,906, filed December 12, 2001.
3. U.S.S.N. 09/513,362, filed February 25, 2000.
4. U.S.S.N. 09/556,463, filed April 21, 2000, and U.S.S.N. 09/553,993, filed April 20, 2000.
5. U.S.S.N. 08/818,199, filed March 24, 1997, now Patent No. 6,023,540; U.S.S.N. 09/151,877, filed September 11, 1998, now Patent No. 6,327,410; U.S.S.N. 09/786,896, filed September 10, 1999; U.S.S.N. 09/450,829, filed November 29, 1999, now Patent No. 6,266,459; U.S.S.N. 09/816,651, filed March 23, 2001; U.S.S.N. 09/840,012, filed April 20, 2001; U.S.S.N. 09/925,292, filed August 08, 2001; and U.S.S.N. 10/005,201, filed December 04, 2001.
6. U.S.S.N. 08/944,850, filed October 6, 1997; U.S.S.N. 09/287,573, filed April 6, 1999.
7. United States Serial Number 09/189,543, filed November 10, 1998; U.S.S.N. 09/344,526, filed June 24, 1999; U.S.S.N. 09/748,706, December 22, 2000.
8. U.S.S.N. 09/256,943, filed February 24, 1999; U.S.S.N. 09/473,904, filed December 28, 1999; U.S.S.N. 09/606,369, filed June 28, 2000.

**Serial No.:** 10/045,575

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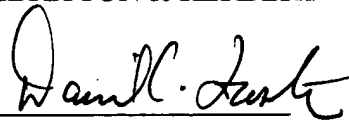
None of the foregoing references are believed to disclose the invention as claimed. Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application. Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

This Information Disclosure Statement is being filed within three months of the filing date of a national application, within three months of the date of entry of a national stage, or before the mailing date of a first Office Action on the merits, 37 C.F.R. § 1.97(b), and therefor no fee is required. The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-69235-3/RMS/DCF).

Respectfully submitted,

FLEHR, HOHBACH, TEST,  
ALBRITTON & HERBERT

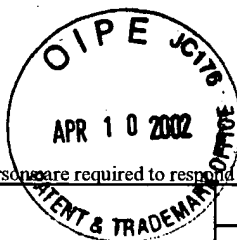
Dated:  March 27, 2002



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|   |   |    |   | Application Number       | 10/045,575        |
|   |   |    |   | Filing Date              | October 26, 2001  |
|   |   |    |   | First Named Inventor     | Gunderson et al.  |
|   |   |    |   | Group Art Unit           | Not Yet Assigned  |
|   |   |    |   | Examiner Name            | Not Yet Assigned  |
| Sheet   | 1 | of | 7 | Attorney Docket Number   | A-69235-3/RMS/DCF |

| U.S. PATENT DOCUMENTS |                       |                      |                                   |   |  |   |
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|                       |                       | Number               | Kind Code <sup>2</sup> (if known) |   |  |   |
|                       | 1                     | 5,494,810            |                                   | Barany et al.                                   | 02/1996  |   |
|                       | 2                     | 5,830,711            |                                   | Barany et al.                                   | 11/1998  |   |
|                       | 3                     | 5,856,083            |                                   | Chelsky et al.                                  | 01/1999  |   |
|                       | 4                     | 5,858,732            |                                   | Solomon et al.                                  | 01/1999  |   |
|                       | 5                     | 6,013,456            |                                   | Akhavan-Tafti                                   | 01/2000  |   |
|                       | 6                     | 6,051,380            |                                   | Sosnowski et al.                                | 04/2000  |   |
|                       | 7                     | 6,054,564            |                                   | Barany et al.                                   | 04/2000  |   |
|                       | 8                     | 6,083,763            |                                   | Balch   | 07/2000  |   |
|                       | 9                     | 6,110,678            |                                   | Weisburg et al.                                 | 08/2000  |   |
|                       | 10                    | 6,172,218            | B1                                | Brenner   | 01/2001  |   |
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|                       | 12                    | 6,268,148            |                                   | Barany et al.                                   | 07/2001  |   |
|                       | 13                    | 5,854,033            |                                   | Lizardi   | 12/1998  |   |
|                       | 14                    | 5,554,516            |                                   | Kacian et al.                                   | 09/1996  |   |
|                       | 15                    | 5,541,311            |                                   | Dahlberg et al.                                 | 07/1996  |   |
|                       | 16                    | 5,660,988            |                                   | Duck et al.                                     | 08/1997  |   |
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| FOREIGN PATENT DOCUMENTS |                       |                         |                     |                                   |   |  |   |                |
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|                          |                       | Office <sup>3</sup>     | Number <sup>4</sup> | Kind Code <sup>2</sup> (if known) |   |  |   |                |
|                          | 17                    | WO                      | 93/25563            | A1                                | City of Hope                                    | 12/1993  |   |                |
|                          | 18                    | WO                      | 97/31256            | A3                                | Cornell Research Foundation                     | 08/1997  |   |                |
|                          | 19                    | WO                      | 97/40385            | A1                                | Seul, M.  | 10/1997  |   |                |
|                          | 20                    | WO                      | 98/13523            | A1                                | Pyrosequencing AB                               | 04/1998  |   |                |
|                          | 21                    | WO                      | 00/58516            | A2                                | Whitehead Institute for Biomedical Research     | 10/2000  |   |                |
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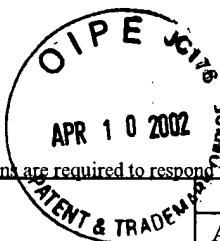
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|   |   | Application Number   | 10/045,575       |                          |                   |
|   |   | Filing Date          | October 26, 2001 |                          |                   |
|   |   | First Named Inventor | Gunderson et al. |                          |                   |
|   |   | Group Art Unit       | Not Yet Assigned |                          |                   |
|   |   | Examiner Name        | Not Yet Assigned |                          |                   |
| Sheet   | 2 | of                   | 7                | Attorney Docket Number   | A-69235-3/RMS/DCF |

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|                       |                       | Number               | Kind Code <sup>2</sup><br>(if known) |   |   |  |
|                       | 22                    | 5,474,895            |                                      | Ishii et al.                                    | 12/1995   |  |
|                       | 23                    | 5,610,287            |                                      | Nikiforov                                       | 03/1997   |  |
|                       | 24                    | 5,763,175            |                                      | Brenner   | 06/1998   |  |
|                       | 25                    | 5,604,097            |                                      | Brenner   | 02/1997   |  |
|                       | 26                    | 5,679,524            |                                      | Nikiforov et al.                                | 10/1997   |  |
|                       | 27                    | 5,780,231            |                                      | Brenner   | 07/1998   |  |
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|                       | 30                    | 4,822,746            |                                      | Walt  | 4/1989  |  |
|                       | 31                    | 5,002,867            |                                      | Macevicz  | 3/1991  |  |
|                       | 32                    | 5,114,864            |                                      | Walt  | 5/1992  |  |
|                       | 33                    | 5,105,305            |                                      | Betzig et al.                                   | 4/1992  |  |
|                       | 34                    | 5,143,853            |                                      | Walt  | 9/1992  |  |
|                       | 35                    | 5,028,545            |                                      | Soini   | 7/1991  |  |
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|                          | 36                    | WO                      | 99/67641            |                                      | Illumina Inc.                                   | 12/1999  |   |
|                          | 37                    | WO                      | 00/39587            |                                      | Illumina Inc.                                   | 07/2000  |   |
|                          | 38                    | WO                      | 00/47996            |                                      | Illumina Inc.                                   | 08/2000  |   |
|                          | 39                    | WO                      | 00/48000            |                                      | Illumina Inc.                                   | 09/2000  |   |
|                          | 40                    | WO                      | 00/63437            |                                      | Illumina Inc.                                   | 10/2000  |   |
|                          | 41                    | WO                      | 00/71243            |                                      | Illumina Inc.                                   | 11/2000  |   |
|                          | 42                    | WO                      | 00/71995            |                                      | Illumina Inc.                                   | 11/2000  |   |
|                          | 43                    | WO                      | 00/75373            |                                      | Illumina Inc.                                   | 12/2000  |   |
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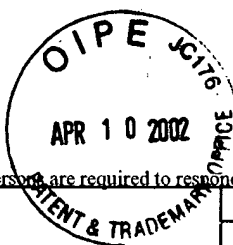
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|  |   |    |   | Group Art Unit           | Not Yet Assigned  |
|  |   |    |   | Examiner Name            | Not Yet Assigned  |
| Sheet  | 3 | of | 7 | Attorney Docket Number   | A-69235-3/RMS/DCF |

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|                       |                       | Number               | Kind Code <sup>2</sup> (if known) |   |  |   |
|                       | 44                    | 5,244,636            |                                   | Walt et al.                                     | 9/1993   |   |
|                       | 45                    | 5,244,813            |                                   | Walt et al.                                     | 9/1993   |   |
|                       | 46                    | 5,250,264            |                                   | Walt et al.                                     | 10/1993  |   |
|                       | 47                    | 5,252,494            |                                   | Walt  | 10/1993  |   |
|                       | 48                    | 5,254,477            |                                   | Walt  | 10/1993  |   |
|                       | 49                    | 5,298,741            |                                   | Walt et al.                                     | 3/1994   |   |
|                       | 50                    | 5,320,814            |                                   | Walt et al.                                     | 6/1994   |   |
|                       | 51                    | 5,496,997            |                                   | Pope  | 3/1996   |   |
|                       | 52                    | 5,512,490            |                                   | Walt et al.                                     | 4/1996   |   |
|                       | 53                    | 5,573,909            |                                   | Singer et al.                                   | 11/1996  |   |
|                       | 54                    | 5,633,972            |                                   | Walt et al.                                     | 5/1997   |   |
|                       | 55                    | 4,499,052            |                                   | Fulwyler  | 2/1985   |   |
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|                          | 56                    | WO                      | 96/30392            | A1                                | COBA-Geigy AG                                   | 10/1999  |   |                |
|                          | 57                    | WO                      | 97/46704            | A1                                | Lynx Therapeutics, Inc.                         | 12/1997  |   |                |
|                          | 58                    | WO                      | 98/31836            | A1                                | Hyseq, Inc.                                     | 07/1998  |   |                |
|                          | 59                    | WO                      | 99/64867            | A1                                | Amersham Pharmacia                              | 12/1999  |   |                |
|                          | 60                    | WO                      | 00/71992            | A1                                | Illumina, Inc.                                  | 11/2000  |   |                |
|                          | 61                    | EP                      | 0 478 319           |                                   |   | 4/1992   |   |                |
|                          | 62                    | EP                      | 0 269 764           |                                   |   | 6/1988   |   |                |
|                          | 63                    | WO                      | 93/02360            |                                   |   | 2/1993   |   |                |
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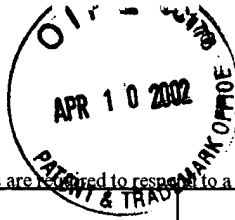
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|                       | 64                    | 5,690,894            |                                   | Pinkel et al.                                   | 11/1997  |   |
|                       | 65                    | 5,194,300            |                                   | Cheung  | 3/1993   |   |
|                       | 66                    | 5,132,242            |                                   | Cheung  | 7/1992   |   |
|                       | 67                    | 4,200,110            |                                   | Peterson et al.                                 | 4/1980   |   |
|                       | 68                    | 4,824,789            |                                   | Yafuso et al.                                   | 4/1989   |   |
|                       | 69                    | 4,682,895            |                                   | Costello  | 7/1987   |   |
|                       | 70                    | 4,785,814            |                                   | Kane  | 11/1988  |   |
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|                          |                       | Office <sup>3</sup>     | Number <sup>4</sup> | Kind Code <sup>2</sup> (if known) |   |  |   |                |
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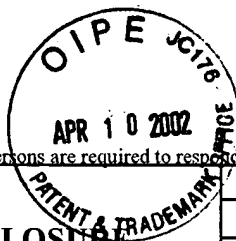
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| Application Number     | 10/045,575        |
| Filing Date            | October 26, 2001  |
| First Named Inventor   | Gunderson et al.  |
| Group Art Unit         | Not Yet Assigned  |
| Examiner Name          | Not Yet Assigned  |
| Attorney Docket Number | A-69235-3/RMS/DCF |

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|   |   |    |   | Application Number       | 10/045,575        |
|   |   |    |   | Filing Date              | October 26, 2001  |
|   |   |    |   | First Named Inventor     | Gunderson et al.  |
|   |   |    |   | Group Art Unit           | Not Yet Assigned  |
|   |   |    |   | Examiner Name            | Not Yet Assigned  |
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